United Nations CAT/C/SR.1229

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General
14 May 2014

Original: English

Committee against Torture
Fifty-second session

Summary record of the 1229th meeting
Held at the Palais Wilson, Geneva, on Friday, 9 May 2014, at 3 p.m.

Chairperson: Mr. Grossman

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Fourth periodic report of Cyprus (continued) (CAT/C/CYP/4, CAT/C/CYP/Q/4, HRI/CORE/CYP/2013)

1. *At the invitation of the Chairperson, the delegation of Cyprus took places at the Committee table.*

2. **Ms. Koursoumba** (Cyprus) said that efforts were being made to create a culture of human rights in the State party, and therefore many awareness-raising activities dealt with human rights in general rather than more specific issues. However, specific and detailed training on torture was provided to professionals. She stressed the important role played by the national independent monitoring mechanisms, such as the Ombudsman, in drawing media attention to issues and putting pressure on the Government. Such mechanisms satisfied the procedural obligations to provide redress, as discussed in the Committee's general comment No. 3.

3. The State had made it abundantly clear from the highest level that there would be zero tolerance of torture. The Government was undertaking a holistic reform of the prison system, involving drastic corrective measures, with the aim of achieving immediate and long-lasting results. With regard to the intervention of the President in the case of a prisoner alleged to have been the victim of sexual harassment, three members of the prison staff had been suspended and the investigation was due to be completed before long. As to the allegations that the relatives of Turkish Cypriot prisoners had been prevented from visiting them, there were no restrictions on any Cypriot citizens crossing the country's dividing line. The legitimacy of the Green Line Regulation governing the movement of persons across the dividing line had been approved by the United Nations and recently in a report of the Office of the United Nations High Commissioner for Human Rights on the question of human rights in Cyprus.

4. With respect to the question concerning acts of government, under the Cypriot system of continental law, any administrative act or decision could be challenged in court, and the courts could overturn any decision that violated human rights. However, acts of government, such as presidential acts in the context of foreign policy, were not administrative acts and could therefore not be challenged.

5. The reference to "vulnerable" witnesses in paragraph 40 of the report was taken to mean victims of trafficking, sexually abused children and victims of domestic violence. In paragraph 109, the reference to inmates in a vulnerable position was within the meaning of paragraphs 20 and 21 of the Committee's general comment No. 2 on those made vulnerable by discrimination or marginalization.

6. Under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Ratification) Law, torture was defined by reference to article 1 of the Convention and cruel, inhuman or degrading treatment by reference to article 16. Since it was that law that established the offences and penalties for torture, all prosecutions were brought on the basis of the Convention. Victims of torture and ill-treatment had access to physical and psychological rehabilitation services.

7. With regard to the detention of single mothers, the situation had recently been changed. Alternatives to imprisonment would now be imposed, such as reporting to the police at regular intervals. If the mother did not comply, a committee, including government and Ombudsman representatives, would help the authorities to decide on how the best interests of the child could be served if the mother was detained.

8. With regard to the preparation of the report, information had been received from all the independent monitoring mechanisms. NGOs had not been involved, as they could submit their own shadow reports to the Committee.

9. **Ms. Andreou** (Cyrpus) said that 36 persons had been accommodated in the shelter for victims of trafficking in 2013. Social Welfare Services provided support for the rehabilitation and social integration of the victims for as long as necessary. The shelter for victims of sexual exploitation had been operational since 2007 and had a capacity of 15 persons. Both victims and potential victims were admitted, and could stay for up to four weeks. Victims were referred to psychological and health services, employment services and Greek lessons. Action was being taken in respect of a number of the observations of the Ombudsman on preventing and combating trafficking.

10. Measures to combat domestic violence included encouraging victims to report cases of violence, public awareness-raising campaigns, systematic training of professionals working in the field, strengthening of the police domestic violence and child abuse office, government support to non-governmental organizations (NGOs) providing protection and assistance to women victims, improving data collection, and developing research in the field. The number of cases of family violence reported to the police had decreased from 826 in 2009 to 777 in 2013, with approximately 75 per cent of victims being women and girls. A free national helpline offering counselling and information concerning victims' rights and options had handled an average of 1,216 cases annually in the past five years. Marital rape was prosecuted under the Violence in the Family (Prevention and Protection of Victims) Law. The Advisory Committee for the Prevention and Combating of Domestic Violence was in the process of drafting the new national action plan 2015–2017. The main strategic goals were to monitor and prevent family violence, raise awareness among the public and professionals, implement relevant legislation and support and protect victims.

11. Two temporary facilities had been established to host unaccompanied minors and funding was being sought from the European Union to provide more long-term facilities. Forty-four unaccompanied minors were currently in the centres. Unaccompanied minors and families with minors were only to be detained as a measure of last resort and for the shortest appropriate period of time. Families detained pending removal were provided with separate accommodation guaranteeing privacy and minors had access to education and leisure activities. There were three specially trained case workers in the Asylum Service responsible for examining the asylum claims of unaccompanied minors.

12. **Ms. Dimitriou** (Cyprus) said that medical screening on admission to detention was primarily for the prevention of torture, the identification of persons at risk of suicide and the prevention of sexually transmitted diseases. Persons held in police custody for short periods were medically examined for free at their request. Any identified injuries were documented and referred for investigation. Record-keeping, reporting and communication had been improved in that area. Requests by detainees for medical examinations were not filtered by the police.

13. Persons arrested by the police had the right to telephone a lawyer of their choice and a family member or any other person of their choosing immediately after their arrest. However, the right to contact a person other than their lawyer could be suspended for a maximum of 12 hours if there was a reasonable suspicion that such communication might lead to the destruction or concealment of evidence, prevent the arrest of another person or lead to the commission of another offence.

14. Information leaflets were placed in areas of detention centres to which all detainees had access. Concerning the allegations that cases of ill-treatment of Turkish Cypriots were not investigated, she stressed that the law was applied to nationals of all origins and non-nationals, and therefore also applied to Turkish Cypriots. The principle of non-

discrimination was safeguarded by the Constitution and the courts were vigilant that it was applied properly. Detainees at Menoyia detention centre had not been handcuffed since August 2013, as had been noted by the Council of Europe Anti-Torture Committee. Foreign nationals awaiting deportation in the holding facility at Larnaca airport were allowed to notify somebody of their situation in the same way as any other person deprived of their liberty. Old police detention centres were constantly renovated so as to be in compliance with the standards of the Council of Europe Anti-Torture Committee, and most of the centres had been classified as suitable for holding persons for only up to 24 hours. Statistics on suicide in prisons had only recently begun to be collected. In 2013 there had been 56 incidents of self-harm, 13 attempted suicides and 3 suicides. The suicide cases were still under investigation. Prison staff, police officers, staff from relevant ministries, psychologists, lawyers and prosecutors would be participating in training that month on the prevention of torture. Some of the topics included in the four-day seminar were obligations under the Convention, the Istanbul Protocol, the investigation and documentation of torture and basic aspects of the medical examination.

15. The total capacity of prisons in 2012 had been approximately 340 prisoners, and the year had ended with a prison population of 694. The objective of reducing overcrowding to a minimum had since been achieved. Capacity had recently been increased to 469 and the prison population currently stood at 535. Practical guidelines had been prepared for the prevention of suicide in prisons and relevant staff training was provided. Vulnerable persons were identified and monitored by the prison management. A newly renovated prison unit would soon accommodate prisoners at risk of suicide. All the measures taken in the reform of the prison system had been assessed by the Ombudsman and were in line with her recommendations. Policies and practices with regard to visits, telephone calls and prisoner requests had been reviewed to ensure clear and impartial procedures. The current rule was for open visits to all prisoners, and closed visits were the exception. There was special provision for visits for prisoners with children and prisoners could also receive visits from religious representatives other than Christian Orthodox priests. A visit guide would soon be disseminated to prisoners and their families. The number and duration of telephone calls had also been increased, and additional calls were granted to those who had children. New procedures had been established to record and provide feedback on prisoners' requests. A balanced programme of purposeful and recreational activities, including education, work, sports and cultural activities, was being implemented.

16. **Ms. Epiphaniou** (Cyprus) said that an average of 11 per cent of applications for international protection had been approved by the Asylum Service between 2010 and 2013. The Refugee Reviewing Authority had granted protection to 275 asylum seekers in the same period. Applications usually took six months to process. The Asylum Service had an effective screening system for identifying vulnerable persons (such as torture victims). All applicants for international protection received an information booklet on their rights. Legislation on refugees was due to be amended and the booklet would be updated accordingly thereafter.

17. Applicants had the right to move freely within Cyprus, benefit from public education and apply for a work permit. Adult applicants could be held in detention only under certain conditions. Applicants who were suspected of having suffered torture received specialized medical care. The risk they faced of being tortured was taken into account when their applications were assessed. Asylum seekers, refugees and beneficiaries of subsidiary protection were entitled to health-care benefits. With assistance from the Refugee Fund of the European Commission, the Kofinou reception centre for applicants for international protection was being refurbished and expanded to a capacity of 400.

18. Asylum Service officers received continuous training from the Office of the United Nations High Commissioner for Refugees (UNHCR) and other international agencies.

Interpreters employed by the Service were also trained in asylum matters by UNHCR. Public officials, including medical professionals who dealt with torture matters took part in an annual seminar on the Istanbul Protocol co-funded by the Refugee Fund. Members of the specialized medical team in the Asylum Service would receive extra training, starting with a four-day workshop in May 2014 on detecting torture and the needs of torture victims. The European Asylum Support Office was working with Cyprus on an asylum reception assistance plan. Asylum seekers were entitled to free legal aid in first instance appeals before the Supreme Court against adverse decisions by the Asylum Service or Refugee Reviewing Authority, provided that the appeal was likely to succeed. Migrants in an irregular situation had the same entitlement when appealing against removal orders or entry bans.

19. The 2013–2015 national action plan against trafficking in human beings took into consideration Directive 2011/36/EU of the European Parliament and the Council of the European Union, the European Strategy towards the Eradication of Trafficking in Human Beings 2012–2016 and the recommendations of the Commission of Experts on Action against Trafficking in Human Beings of the Council of Europe. The plan addressed all aspects of the problem and contained practical measures that must be implemented within a given time frame. Implementation would be independently monitored.

20. The artist visa had been abolished in 2008 to counter trafficking for the purpose of sexual exploitation of women in cabarets and nightclubs. Trends in trafficking were, however, changing. Sexual exploitation had shifted away from nightclubs to private apartments, which were more difficult to monitor, and victims increasingly came from European countries whose nationals did not require a visa to enter Cyprus.

21. **Ms. Koursoumba** (Cyprus) said that, of 16 alleged minors who had been arrested with their mothers or parents in 2013, 5 had been sent to child protection institutions. New regulations would prevent such incidents from reoccurring. Henceforth, decisions would be taken solely in the best interests of the children, even if it meant separation from their mothers. In exceptional circumstances, mothers and children would be held together in special detention centres. Asylum seekers whose applications for international protection had been turned down were not subject to extradition if it was deemed that they faced a risk of being tortured in the destination country.

22. **Ms. Dimitriou** (Cyprus) said that all allegations of ill-treatment and excessive use of force by the police were investigated. Civil society organizations could broach allegations of police misconduct directly with the Ministry of Justice and Public Order. A high-ranking officer of the ministry had been appointed to liaise between the ministry, the police and the public. Complaints were investigated either by the police or by an independent authority. In some cases, the Attorney-General appointed independent investigators to make criminal inquiries. Members of the public could submit complaints to the ministry online.

23. **Ms. Koursoumba** (Cyprus) said that the bill on the ratification of the Optional Protocol to the Convention currently before Parliament would, when enacted, oblige the Government to take into account the recommendations of the Office of the Ombudsman in its role as national preventive mechanism. The Attorney-General was independent and the executive was bound by his or her decisions. Any observations regarding offences committed in places of detention could be referred by the Office of the Ombudsman to the Attorney-General for investigation and prosecution. The Office submitted an annual report to the President of the Republic, Parliament and the Attorney-General. No civil actions could be launched against the Office or its staff for conducting its official activities.

24. **Ms. Dimitriou** (Cyprus) said that living conditions in the Menoyia detention centre for migrants in an illegal situation were adequate. Proportionate force was used on detainees only when strictly necessary. Instances of and the reasons for its use were

recorded and the head of the facility was informed. Force was not used as a form of punishment. Detainees on whom force was used received a medical examination immediately thereafter. The police and the Office of the Ombudsman had produced a code of conduct for staff of the facility.

25. **Mr. Modvig** (Country Rapporteur) said that the penalties applied in cases of ill-treatment by police, domestic violence and other violent crimes were too low, which encouraged impunity. The legal distinction between assault and ill-treatment was blurred. He asked whether cases of ill-treatment by public officials had been heard by the courts recently and, if so, what penalties, including prison terms, had been applied. How many suspended sentences had been handed down in cases of domestic violence and human trafficking?

26. He asked again for information regarding reports that detainees were prevented from immediately exercising their right to make a telephone call when arrested, and with regard to their right for a lawyer to be present during all stages of police questioning and when signing statements. He would like to know whether doctors who carried out medical examinations of detainees were appointed by the police, prison administration or health services. He asked how many cases of injury had been revealed by initial medical examinations of detainees and how investigations were conducted in order to establish the causes. He wanted to know who had access to detainees' medical records. He asked for statistics on the use of force in the Menoyia detention centre and on the subsequent medical examinations and their evaluation.

27. He asked how often asylum seekers received legal aid. Were they obliged to convince the Supreme Court that their appeal was likely to succeed in order to be granted free legal aid? He asked for more details about the screening system for assessing signs of torture among victims of human trafficking, whether statistics were available on such cases and how they were handled subsequently. He welcomed the planned four-day workshop on detecting torture and the specific needs of torture victims.

28. He asked whether the Commissioner for Children's Rights had looked into the detention of minors in the State party. He wished to know whether social workers transmitted information regarding domestic violence to the police for possible investigation, and whether there were legal limits on when handcuffs could be used on detainees.

29. **Mr. Domah** (Country Rapporteur) said that the State party had an obligation to ensure that the authorities and self-regulatory organizations implemented the provisions of the Convention. The subject of torture and other cruel, inhuman or degrading treatment or punishment should be specifically set forth in the mandates of all competent bodies. He asked how much victims were entitled to under compensation regulations. Compensation should be an enforceable right.

30. The Committee would like to know what progress had been made in harmonizing prison regulations with legislation on psychiatric treatment. He asked whether the punishment police officers had received in two cases concerning police ill-treatment had been commensurate with the seriousness of their crimes. He also asked the delegation to respond to the question raised in paragraph 25 of the list of issues concerning the alleged ill-treatment of a foreign national (CAT/C/CYP/Q/4), and inquired as to what resources would be allocated to the Office of the Ombudsman in order to allow it to function effectively as a national preventive mechanism. The requirements for obtaining free legal aid should not be so stringent as to render the chances of receiving it illusory.

31. **Mr. Gaye** asked the delegation to cite an example of the application in the State party of article 25 of the Criminal Code, which set forth the principle of liability for complicity in the committing of a crime even after the event. The Committee would like a better understanding of how that legal provision worked.

32. **Mr. Tugushi** urged the State party to end the degrading practice of handcuffing migrants. He asked the delegation to respond to allegations that persons held in the State party's only facility for involuntary mental patients were not given the opportunity to be heard in court regarding either their placement in the facility or the extension of their confinement. He asked what had been done to render the Supervisory Committee of the Mentally Ill operational and to improve the provision of general health care to persons held in detention under immigration law.

33. **Ms. Gaer** asked whether the State party provided monetary or other forms of compensation to the victims of psychological domestic violence or to the families of persons who had disappeared in Cyprus during conflicts on the island. She asked how psychological violence was legally defined in those contexts.

34. **The Chairperson** asked whether domestic workers were protected by the legislation on domestic violence, and whether there were cases of such workers having been considered victims of domestic violence.

35. He asked whether the State party's immigration law conferred an automatic suspensive effect upon an application for suspension of the execution of an expulsion order. He requested information on the number of persons seeking asylum, including Syrian nationals. The Committee had been informed that, despite a moratorium on returning people to Syria, asylum seekers from that country were detained while their applications were considered.

36. Citing the complaints against police officers mentioned in paragraph 120 of the State party's report, he expressed surprise at the small percentage of cases prosecuted and said that serious crimes such as torture and ill-treatment by the police should normally be prosecuted by the State ex officio. He asked for examples of jurisprudence about arrests justified on the grounds of prevailing exceptional circumstances, and requested information about any court decisions on ill-treatment that had resulted in the granting of reparations.

37. **Mr. Modvig** said that, if he had correctly understood the delegation's replies concerning overcrowding in prisons, a dramatic drop had recently occurred. Could it be entirely attributed to the paroling of prisoners mentioned earlier by the delegation, or had other factors been at work? He asked whether it was true that many cases of alleged torture were referred to the Unit for the Rehabilitation of Victims of Torture. He would further like to know whether medical certificates issued by that unit confirming torture were given the same weight as certificates issued by the Medical Council. He asked which populations were represented in the statistics on suicide, attempted suicide and self-harm in prisons. He wondered whether the State party would consider instituting obligatory reporting of all cases of violence among prisoners and use of force on prisoners in order to gauge the effectiveness of its new reporting system.

38. **Ms. Koursoumba** (Cyprus) said that she would first reply to a series of earlier questions, though her delegation had not been able to obtain all the requested information at such short notice. Torture was fully covered by the law, with appropriately stiff penalties, but, as the threshold for proof was also high, prosecution authorities sometimes, for lack of sufficient evidence, decided to bring charges for lesser offences such as ill-treatment and assault. Cases where police officers were asked to testify against their colleagues might pose particular problems in terms of conflict of interest. More training for medical practitioners, education workers, policymakers and the general public was needed to underscore the gravity of the crime of torture.

39. Impunity remained a major problem, and the relevant legislation was inadequate. Improvements were also needed in the area of government statistics, which were often compiled in ways that suited the compilers and not the users.

40. The Constitution prevailed over international instruments ratified by Cyprus but incorporated the provisions of such instruments. Those instruments in turn prevailed over national law. National law was designed to safeguard the human rights of all persons in Cyprus, not just citizens.

41. While the law provided for a lawyer's presence at all stages of criminal proceedings, the provision might not always be implemented. Medical confidentiality was protected by law, and personal data legislation was fully compatible with the established legislation and practice of the European Union. While it would be desirable to expand the provision of legal aid, and to allot additional resources to the national preventive mechanism, in the current financial climate that would be difficult. Because of austerity measures, most Government spending had been frozen for the past two years.

42. Replying to questions about the detention of unaccompanied minors, she said that the Commissioner for Children's Rights reacted promptly to complaints about such detentions, requesting the child's release.

43. Domestic violence legislation covered all individuals in a household, including relatives and domestic workers. Her delegation would provide the Committee with a copy of the relevant provision. Medical practitioners and Social Welfare Services employees who found evidence of domestic violence were required to report such findings to the authorities.

44. Patients with psychiatric ailments could be interned involuntarily for treatment on the basis of an independent report by a psychiatrist, accompanied by the consent of a family member. Thereafter they could be discharged only on the advice of a medical expert.

45. Regarding cases brought by Turkish Cypriots concerning missing persons in Cyprus, she said that her delegation would provide the Committee with a written reply. She said that in July 2012 her Government had decided that no Syrians seeking asylum in Cyprus would be arrested or returned to Syria.

46. **Ms. Andreou** (Cyprus), replying to a question about numbers of unaccompanied minors, provided some statistics about the numbers of minors detained in Cyprus in 2013. Regarding penalties for domestic violence, she said that, while the cases prosecuted to date did not seem to constitute torture, under the law they were considered aggravated offences and incurred severe penalties.

47. **Ms. Koursoumba** (Cyprus) said that any detentions of Syrians since the decision of 2012 had been in connection with convictions for criminal offences.

48. **Ms. Dimitriou** (Cyprus) said that an independent authority investigated complaints against the police for corruption, human rights violations and the like. Training programmes on human rights all included coverage of torture and ill-treatment. In the past three years no penalties had been imposed for any torture cases.

49. Interrogation of a person accused of a crime did not begin until the person had been informed of his or her right to consult a lawyer of his or her choosing before the interrogation. An independent committee appointed by the Council of Ministers was reviewing the situation in prisons and was expected to complete its work by the end of 2014. Records were kept of incidents of violence among inmates. There were plans to prepare a manual on how to effectively tackle such violence. The statistics on suicide, attempted suicide and self-harm in prisons applied to the 2013 prison population, not the current smaller population. Parole had indeed been used as a means of reducing the prison population. Other measures to be implemented in the near future included, for example, electronic monitoring of prisoners and a special unit for high-risk inmates.

50. Complaints of ill-treatment of prisoners were thoroughly investigated by the authorities. Prisoners were handcuffed only when being transported. The country's central prison had measures in place to facilitate the filing of complaints, and new prison workers participated in a week-long training course that included issues relating to the treatment of prisoners. A complaints committee investigated detainees' complaints of abuse, and detainees could appeal decisions by the prison director and submit complaints on any other matter related to their detention.

51. **Ms. Koursoumba** (Cyprus) said that the constructive dialogue with the Committee had given her delegation a valuable opportunity to reflect on the impact of her Government's efforts to safeguard individuals against torture and ill-treatment. Her Government would seriously consider the Committee's recommendations and hoped to be able to report on further progress during its next appearance before the Committee.

The meeting rose at 6 p.m.